

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

BARBARA E. MCDONALD,

Civ. No. 05-996-HO

Plaintiff,

ORDER

v.

Commissioner of Social Security,

Defendant.

Plaintiff filed this action for review of the decision of the Commissioner denying her January 25, 2001 application for disability insurance benefits and supplemental security income. The parties agree that the administrative law judge (ALJ) failed to address the opinions of state agency physicians. These physicians assessed greater limitations than the ALJ. (Tr. 219-26, 402). The failure to address this evidence is therefore not harmless, as the Commissioner contends. See Stout v. Commissioner, 454, 1050 (9th Cir. 2005). The record does not clearly require a finding of disability. Regrettably, this

matter must be remanded a second time for further proceedings before the ALJ. The ALJ shall reconsider plaintiff's application following the process required by 20 C.F.R. §§ 404.1520 and 416.920. The ALJ shall determine whether additional medical, vocational or lay evidence is needed, and shall reevaluate all the evidence and issue a new decision.

Conclusion

Based on the foregoing, the decision of the Commissioner is reversed. This matter is remanded for further proceedings before the ALJ.

____IT IS SO ORDERED.

DATED this 13th day of December, 2006.

s/ Michael R. Hogan
United States District Judge